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WESTERN DISTRICT OF MICHIGAN
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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

1:10-cv-312

**Janet T. Neff
U.S. District Judge**

WILLIAM LEWIS VINTON III., Plaintiff.,

V.

Case No:

**FIRST DATA MERCHANT SERVICES.,
Defendant.,**

SUMMONS AND COMPLAINT.

**This Summons And Complaint includes pendent
state claims.**

**1. Plaintiff William Lewis Vinton III., In Pro Per., ma
de a purchase using my Debit Card ending in 9712.
On April 21, 2009. At 11:23 A. M. At Merchant CG'S
Medical Diner at 4069 Lake Drive S. E. Grand Rapids.**

Michigan 49546., In the amount of \$ 3.39. Which includes tax.

2. Plaintiff received Merchant's Copy of the Sales Draft (In Error). Instead of the Customer's Copy of the Sales Draft from Merchant., Terminal # 1759859., Where all sixteen digits of my Visa Debit Card., Also my expiration date of 07/11., was printed on the Sales Draft. The Merchant's Main Name and Address was printed on the receipt. (CG'S PREP KITCHEN AND CAFÉ 1200 EAST PARIS., SUITE 3. GRAND RAPIDS, MI. 49546. TERMINAL # 1759859.). (Refer To Exhibits A And B.).

3. Defendant First Data Merchant Services Programmer while programming Terminal # 1759859. At CG'S Prep Kitchen And Café (Satellite Location). Merchant ID: 218213509993. On January 28, 2009., Failed to ask the Merchant And Co-Owner Mr. Cliff Gully. If the numbers were truncated at the time the terminal was programmed. (Refer To Exhibit C.).

4. Even though the Merchant And Co-Owner Mr. Gully answered the interview questions from First Data PCI Representative by phone In or around January 2009., This terminal # 1759859., was not truncating Credit and Debit numbers from January 28, 2009., To May 07, 2009., Which included my purchase on April 21, 2009., Until Mr. G

ully Co-Owner was working at the cash register at the satellite location and realized that the numbers were not truncated. (Refer To Exhibit C.).

5. Merchant And Co-Owner Mr. Gully., upon noticing on May 07, 2009., while working at the satellite location the sale location that the Credit And Debit Card numbers were not truncated so he called the programmer to have it fixed. (Refer To Exhibit C.).

6. Defendant First Data Merchant Services did not follow Payment Card Industry (PCI Data Security Standard Security Audit Procedures.”). Version 1.1 Release Sept. 2006., PCI DSS Requirements 12.10.3., Ensuring the entity (CG’S Prep Kitchen And Café.), is PCI DSS Compliant.,

, nor did First Data Merchant Services verify that the procedures ensure that the entity was fully compliant as FDM S failed to run a test on the merchants terminal number: 1759859., to assure that the Credit And Debit Card numbers were truncated and in compliance with the Fair Accurate Credit Transactions Act and applicable state laws., When the terminal was installed at the satellite location on January 28, 2009. (Refer To Exhibits C., And D., (Page 46.).

7. Defendant First Data Merchant Services., since this was their terminal., and who processed cardholder data for C G's Prep Kitchen & Café., The service providers meaning FDMS are responsible for validating their own compliance., independent of their customers audits which they failed to

do so from the time the Merchant's Terminal Number: 1759859., Merchant ID: 218213509993. was installed at the satellite location up to May 07, 2009., While Mr. Gully Merchant And Co-Owner while working at that location where he noticed that the Credit And Debit Card Numbers were not truncated so he called First Data (FDMS). Programmer requesting that it be fixed. (Refer To Exhibits: C., And D., Page 6. Of the Payment Card Industry (PCI). Data Security Standard Security Audit Procedures Version 1.1 Release Sept. 2006.

8. Plaintiff alleges that Defendant in printing all sixteen of my VISA Debit card ending in 9712. With Exp. Date Of 07/11. On receipt violated the Michigan Identity Prote

ection Act. Act 452. Of 2004., Sec. 445.63 (r)., as Defendant had a duty to “ Redact.” means to alter or truncate data so no more than four sequential digits of a drivers license number, state personal identification number, or account number, or no more than five sequential digits of a social security number, are accessible as part of personal information. (Refer To Exhibits: A., And E.).

9. Plaintiff also alleges that the Defendant by failing to to program or to run a test on the Merchant's Terminal Number: 1759859., When the terminal was installed at their satellite office on January 28, 2009., to assure the Credit And Debit Card Numbers were truncated resulting I n all sixteen digits from my VISA Card ending in 9712., With my Exp. Date. 07/11., being printed on the Sales Dr

aft. (Received Merchant's Copy In error.). Violated The Michigan Consumer Protection Act. 445.903. Subsection (hh), (1),, Sec. 3. (ii). As if a Credit Or Debit Card is used for payment in a consumer transaction, issuing or delivering a receipt to the customer that any part of the expiration date of the card or more than the last four digits of the customer's account number. (Refer To Exhibits: A., C., And E.).

10. Plaintiff also alleges that Defendant by failing to program Merchant's Terminal # 1759859., and running a test When the terminal was installed at their satellite office on January 28, 2009., to assure the Credit And Debit Cards were truncated and as a result all sixteen digits of my Visa Card Ending in 9712., and Exp. Date. Of 07/11/. B

eing printed on the Sales Draft. (Received Merchant's Copy in error.). Violated Public Law (Dec. 04, 2003.). , 117 Stat 1959. Sec. 113. Truncation Of Credit And Debit Card Account Numbers., Where Section 605 Of The Fair Credit Reporting Act. (15 U. S. C. 1681c.). Was amended by adding at the end the following: "(g).— TRUNCATION OF CREDIT CARD AND DEBIT CARD NUMBER S.---- "(1). IN GENERAL.— Except as otherwise provided in this subsection, no one that accepts credit cards or debit cards for the transaction of business shall print more than the last five digits of the card number or the expiration date upon any receipt provided at the point of sale as all sixteen digits of my VISA Debit Card ending in 9712. And Exp. Date of 07/11., Which would include Defenda

nt, as they (FDMS). Processed Cardholder Data including mine for the Merchant And Co-Owner Cliff Gully., Including their satellite office. (CG'S MD Medical Diner.). So Merchant can receive payment for purchases made on customer s Credit And Debit Cards. (Refer To Exhibits: A., C., And d E.).

Therefore Plaintiff is requesting the court award him the following damages against the Defendant as follows:

Under The Michigan Consumer Protection Act 331. Of 1978., 445.911., Sec. 11. (2). \$ 250.00., For Violating The Michigan Identity Protection Act 452. Of 2004., Sec. 445.63. (r). (Refer To Exhibits A., C. And E.).

Plaintiff is also requesting under The Michigan Consumer Protection Act 331. Of 1978. 445.911. Sec. 11. (2). Damages of \$ 250.00. For Violating The Michigan Consumer Protection Act 331. Of 1976. 445.903. Subsection (hh), (1),, Sec. 3. (hh). (Refer To Exhibits A., C., And E.).

1. Statutory Damages under 15 U.S.C. 1681 (n),, (1),, (a). From \$ 100.00. To \$ 1,000.00.

2. Punitive Damages as the court may allow.

3. In the case of any successful action to enforce any liability under this section, the costs of this action together with reasonable attorney fees as determined by the court for Violation Of Public Law 12-04-2003. 117. Stat. 1959.

Sec. 113., Where Section 605 Of The Fair Credit Reporting
Act. 15 U. S. C. (C (g). As amended (Refer To Exhi
bits A., C., And F.).

Saturday
Dated March 27, 2010. William Lewis Vinton III

William Lewis Vinton III., Pla
intiff In Pro Per.,
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